

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TEMPORARY RESTRAINING ORDER  
TRO)  
CHECKLIST

**NOTE:** When filing a Motion for a TRO with the court, you must choose Motion for TRO. You must complete this document and attach it to your motion as an attachment in CM/ECF. If you have questions, please call the CM/ECF Help Desk at 1-866-884-5525 (Sacramento) or 1-866-884-5444 (Fresno).

A) *Check one.* Filing party is represented by counsel ☒

Filing party is acting in pro se ☐

B) Has there been actual notice, or a sufficient showing of efforts to provide notice to the affected party?  
*See Local Rule 231 and FRCP 65 b).*

**Yes; to the knowledge of Plaintiff's counsel, Defendants are unrepresented. Copies of the Motion and supporting materials were overnight mailed to Defendants' CEO, Brian Hazelgren at 3126 E. Gary St., Mesa, AZ 85213, on April 25, 2020, and were delivered on April 27, 2020. Plaintiff's counsel made an effort to contact Defendants at two telephone numbers that we were able to locate for Defendants, but those numbers were not connected to Defendants.**

Did applicant discuss alternatives to a TRO hearing?

**No.**

Did applicant ask opponent to stipulate to a TRO?

**No.**

Opposing Party: **Defendants RX2Live, LLC and RX2Live, Inc.**

Telephone No.: **Unknown**

C) Has there been undue delay in bringing a TRO?

**No**

Could this have been brought earlier?

Yes: ☐

No: ☒

D) What is the irreparable injury?

**Defendants' unlawful conduct is irreparably harming and tarnishing the 3M brand, as well as the widespread fame, goodwill, and reputation enjoyed by the famous 3M Marks.**

Why the need for an expedited hearing?

**Defendants will continue to create the false impression that they are authorized to sell 3M N95 respirators at grossly inflated prices, and 3M cannot control whether products sold outside of its authorized channels adhere to its rigorous quality standards.**

E) Documents to be filed and (unless impossible) served on affected parties/counsel:

- ☒ 1) Complaint
- ☒ 2) Motion for TRO
- ☒ 3) Brief on all legal issues presented by the motion
- ☒ 4) Affidavit detailing notice, or efforts to effect notice, or showing why it should not be given
- ☒ 5) Affidavit in support of existence of irreparable harm
- ☒ 6) Proposed order with provision for bond
- ☒ 7) Proposed order with blanks for fixing:
  - ☒ Time and date of hearing for motion for preliminary injunction
  - ☒ Date for filing responsive papers
  - ☒ Amount of bond, if any
  - ☒ Date and hour of issuance
- ☒ 8) For TROs requested *ex parte*, proposed order shall notify affected parties they can apply to the court for modification/dissolution on 2 days notice or such shorter notice as the court may allow. See *Local Rule 231 and FRCP 65 b)*